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July 29, 2022

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VIA ECF

The Honorable Judge Ronnie Abrams
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *DCCC v. Kosinski, et al.*, Civil Action No.: 22-cv-1029 (RA)

Dear Judge Abrams:

Counsel for Plaintiff DCCC; Defendants Peter S. Kosinski, in his official capacity as Co-Chair of the State Board of Elections; Douglas A. Kellner, in his official capacity as Co-Chair of the State Board of Elections; Andrew J. Spano, in his official capacity as Commissioner of the State Board of Elections; Anthony J. Casale, in his official capacity as Commissioner of the State Board of Elections; Todd D. Valentine, in his official capacity as Co-Executive Director of the State Board of Elections; and Kristen Zebrowski Stavisky, in her official capacity as Co-Executive Director of the State Board of Elections (“State Defendants”); and Intervenor-Defendants Republican National Committee; National Republican Congressional Committee; and New York Republican State Committee (“Intervenor-Defendants”; collectively with State Defendants, “Defendants”; and collectively with State Defendants and Plaintiff DCCC, the “Parties”), in the above-referenced action jointly submit this letter pursuant to the Case Management and Scheduling Order (ECF 69).

Case Status

As of this filing and since the Court’s ruling on Plaintiff’s Motion for Preliminary Injunction (ECF 104), the Parties have completed fact discovery, including the exchange of requests for production of documents and interrogatories and produced documents in response to those requests. In addition to the exchange of discovery responses and document productions, Plaintiff deposed a representative of the State Defendants on July 27, 2022. Counsel for all Parties participated in that deposition. Defendants intend to depose Plaintiff’s expert on August 8, 2022. No other depositions are pending.

Dispositive Motions

At this time, Plaintiff does not intend to file a dispositive motion. State Defendants do intend to file a dispositive motion. Intervenor-Defendants do intend to file a dispositive motion.

Settlement

Despite their good-faith, best efforts, the Parties have been unable to reach a settlement in this case.

Respectfully submitted,

<p><u>/s/ Aria C. Branch</u> Marc E. Elias* Aria C. Branch* David R. Fox* Joshua L. Harris* Daniela Lorenzo ELIAS LAW GROUP LLP 10 G Street NE, Suite 600 Washington, DC 20002 Tel: (202) 968 – 4513 Fax: (202) 968- 4498 melias@elias.law abranh@elias.law dfox@elias.law jharris@elias.law dlorenzo@elias.law</p> <p>Andrew G. Celli, Jr. Nairuby L. Beckles EMERY CELLI BRINCKERHOFF ABADY WARD & MAAZEL LLP 600 Fifth Avenue, 10th Floor New York, New York 10020</p> <p><i>Counsel for Plaintiff</i></p> <p><i>*Admitted Pro Hac Vice</i></p>	<p><u>/s/ Seth J. Farber</u> Letitia James Attorney General for the State of New York</p> <p>Seth J. Farber Special Litigation Counsel 28 Liberty Street New York, New York 10005</p> <p><i>Counsel for Defendants</i></p> <p><u>/s/ Cameron T. Norris</u> Paul DerOhannesian II (PD0523) DEROHANNESIAN & DEROHANNESIAN 159 Wolf Road, Suite 305 Albany, NY 12207 (518) 465-6420 Fax: (518) 427-0614 paul@derolaw.com</p> <p>Tyler Green* Cameron T. Norris* James P. McGlone* CONSOVOY MCCARTHY PLLC 1600 Wilson Blvd., Ste. 700 Arlington, VA 22201 (703) 243-9423 tyler@consovoymccarthy.com cam@consovoymccarthy.com jim@consovoymccarthy.com</p> <p><i>Counsel for Intervenor-Defendants</i></p>
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